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La Costa Rickford
Operator's Signature

10/16/03
Date

2003 HOUSE HUMAN SERVICES

HB 1487

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Yolanda Richardson
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10/16/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1487

House Human Services Committee

Conference Committee

Hearing Date February 10, 2003

Tape Number	Side A	Side B	Meter #
1	x		39.9 - 61.6
1		x	0.0 - 5.7

Committee Clerk Signature

Sharon Kenyon

Minutes:

Rep. Gulleon appeared in support as prime sponsor and is offering some amendments to basically take out Sections 2, 3 & 4 in its entirety, stating this bill is about " your health care information ought to be able to heal you, not reveal you".

Rep. Potter questioned Sec 1 subsection 1, part c under marketing, the very end and wanted an explanation.

Answer: This just says communication between the patient and physician, a physician can speak to a specific product in that setting. That section there is the definition of marketing as laid out in the Federal code in State statute.

Rep. Price: wouldn't this basically exclude a care provider from marketing a particular drug, for example is they receive some special compensation for it?

Answer: Right

No opposition

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House Human Services Committee
Bill/Resolution Number HB 1487
Hearing Date February 10, 2003

Mike Mullen, of the Attorney General's Office appeared neutral with written testimony.

Rep. Potter: asked if 3rd party receives direct or indirect, exactly what indirect might be or involve from a 3rd party?

Answer: Under HIPPA, it has a limitation on marketing and they have a detailed definition and then they have a narrow exception of what is not covered by marketing. Basically what is permitted is that when a physician or other health care provider has a face to face meeting with a patient and they are explaining something and they are saying I think you should take this or you might benefit, that's considered to be marketing, because person can say they are not sure that they want to do that. What are the other alternatives.

Galen Jordre of the ND Pharmaceutical Assoc. appeared in opposition stating the definition of marketing is in conflict with the HIPAA definition. HIPPA does define marketing but it does allow a provider to convey information about health products, or in our case, pharmaceuticals as part of treatment. HIPPA does allow a payment for that. This would be more strict in what HIPPA allows in some areas.

Darlene Bartz appeared in opposition with written testimony.

Mike Mullen states that there is a definition of marketing in the Federal Privacy Rule, that definition is contained in one of the definitions in Section 164-501. Also is another section relating to authorizations 164-508A and this contains a specific statement of when an authorization is required in connection with marketing. Will bring a copy down for the committee.

Closed the hearing.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HBO 1487

House Human Services Committee

Conference Committee

Hearing Date February 11, 2003

Tape Number	Side A	Side B	Meter #
1	x		31.0 - 44.4
Committee Clerk Signature <i>Sharon Renshaw</i>			

Minutes: Committee Work

Rep. Price e-mailed & asked Mr. Mullen if the T & A were necessary and he said no also said that some of the language that is already in 1487 was at the recommendation of T & A. Also asked if marketing already is handled in T & A. Mr. Mullen reminded her of page 12 , section 1 covered some organizations that would not be covered under the original bill. If we were to retain Section 1 and avoid an overlap with the big bill. Page 1, line 20, after university we should insert, that is not a covered entity and again on page 2 , line 3 the same thing. So that we don't have a conflict within the bill.

Rep. Pollert had question on Mr. Jordre's opposition and that was for a definition of marketing.

Rep. Porter stated that if we delete section 2 and leave section 1 in with that wording, it still exceeds what HIPAA regulations are and has a different definition of marketing of what the Federal HIPAA has so we're picking one portion of the HIPAA regulation and making it more strict than what the Federal govt. has mandated back on top of it. Doesn't like Section 1 either.

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House Human Services Committee
Bill/Resolution Number HBO 1487
Hearing Date February 11, 2003

Rep. Kreidt made a motion to DO NOT PASS, second by Rep. Porter.

Rep. Sandvig would like to amend with covered entity especially with universities.

Rep. Potter assumed that HIPAA would cover the universities/students.

Rep Price stated they use that information to sell for marketing purposes, much like they sell their student lists for credit card companies.

Rep. Porter noted that regarding Rep. Sandvig's question on universities, this bill exceeds what HIPAA has already done.

VOTE: 9 - 3 - 1

Rep. Porter will carry the bill.

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10/6/03
Date

30367.0101
Title.

Prepared by the Legislative Council staff for
Representative Guleson
February 5, 2003

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1487

Page 1, line 1, remove "; to provide an effective date; and to"

Page 1, line 2, remove "declare an emergency"

Page 2, remove lines 11 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 8

Renumber accordingly

Page No. 1

30367.0101

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10/6/03
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LR

Date:
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. ~~H.R. 1487~~ 1487

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DNP

Motion Made By Rep Kreidt Seconded By Rep Porter

Representatives	Yes	No	Representatives	Yes	No
Rep. Clara Sue Price - Chair		✓	Rep. Sally Sandvig		✓
Rep. Bill Devlin, Vice-Chair	✓		Rep. Bill Amerman		✓
Rep. Robin Weisz	✓		Rep. Carol Niemeier A		
Rep. Vonnie Pietsch	✓		Rep. Louise Potter	✓	
Rep. Gerald Uglem	✓				
Rep. Chet Pollert	✓				
Rep. Todd Porter	✓				
Rep. Gary Kreidt	✓				
Rep. Alon Wieland	✓				

Total (Yes) 9 No 3

Absent 1

Floor Assignment Rep Porter

If the vote is on an amendment, briefly indicate intent:

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Colista Rickford 10/16/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
February 11, 2003 9:49 a.m.

Module No: HR-26-2222
Carrier: Porter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HB 1487: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT**
PASS (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1487 was placed on the
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-26-2222

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To Costa Richardson
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10/6/03
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2003 TESTIMONY

HB 1487

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